



UNITED STATES PATENT AND TRADEMARK OFFICE

06 JUN 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

IBM Microelectronics
Intellectual Property Law
1000 River Street
972 E
Essex Junction, VT 05452

In re Application of :
SUNAGA et al. :
U.S. Application No. 10/595,742 :
PCT No.: PCT/JP2004/016296 :
Int. Filing Date: 04 November 2004 : DECISION
Priority Date: 06 November 2003 :
Attorney Docket No.: JP920030200US1 :
For: SEMICONDUCTOR STORAGE DEVICE :
AND BURST OPERATION METHOD

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 04 November 2004, applicants filed international application PCT/JP2004/016296. The application claimed a priority date of 06 November 2003, and it designated the United States. On 19 May 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 May 2006. (06 May 2006 was a Saturday and 07 May 2006 was a Sunday.)

On 08 May 2006, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; the submission was assigned U.S. application number 10/595,742.

The materials filed 08 May 2006 included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/JP2004/006296; (2) a translation of the international application that identified the application as a national stage of PCT/JP2004/016296; and (3) a copy of the specification, claims, and drawings for

PCT/JP2004/016296. The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S national stage of PCT/JP2004/006296. Thus, applicants' 08 May 2006 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/JP2004/016296 and PCT/JP2004/006296.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/JP2004/006296, the international application number set forth in the bibliographic data (and Transmittal Letter) provided by applicant when filing the electronic application.

DISCUSSION

A review of the materials filed by applicants on 08 May 2006 as a whole reveals that applicants' likely intention was to enter the national stage for international application PCT/JP2004/016296. However, as noted above, applicant's entry of PCT/JP2004/006296 during the electronic filing process has caused the present application file to be initiated as a national stage of PCT/JP2004/006296. Moreover, due to the conflicting instructions in the 08 May 2006 filing, the U.S. basic national fee filed on 08 May 2006 cannot, on the present record, be treated as having been directed to PCT/JP2004/016296 (as necessary to avoid abandonment of such application).

In order for the 08 May 2006 national stage entry and basic national fee payment to be treated as filed on such date with respect to PCT/JP2004/016296, a grantable petition under 37 CFR 1.182 is required. Such a petition must: (1) specifically identify the international application for which national stage entry was intended; (2) explain the presence of the conflicting instructions (i.e., typographical errors, etc.); and (3) correct the file record to correspond with the desired application, where appropriate (i.e., submit a corrected Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission). The petition must also include the required \$400 petition fee.

It is noted that the declaration submitted on 08 May 2006 is defective. Specifically, page 1 and page 2 are illegible.

CONCLUSION

As set forth above, a grantable petition under 37 CFR 1.182 is required to clarify the international application to which the 08 May 2006 national stage filing and basic national fee were directed. The requirements for such a petition are discussed above.

Such petition must be submitted within **TWO (2) MONTHS** of the mail date of the present communication. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time under 37 CFR 1.136(a) are available.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459